

REMARKS

Pending Claims:

In this application, claims 2-20 are currently pending. Claims 2, 4, 5, 7-9, 11-14, and 16-19 have not be altered since filing. Claims 3, 6, 10, and 15 are amended by this Response. Claim 1 has been deleted. Claim 20 has been added. Entry of these amendments is respectfully requested.

Rejection under 35 U.S.C. §112

Claims 1 through 19 were rejected under 35 U.S.C. 112. In response, the applicant has amended the claims to overcome this rejection.

Rejection under 35 U.S.C. §103

The Examiner has rejected claims 1-19 as being unpatentable over Owensby (U.S. Patent No. 6,647,257) in view of Greenberg (U.S. Pat. No. 5,379,345). Owensby is cited as teaching the subsidizing of the cost of a wireless network by inserting a commercial advertisement in the data stream. In Owensby, the cost of participating and expanding a cell phone network is subsidized using commercial messages inserted into the cell phone conversations of the users. Greenberg is cited as an example of a buried digital message in a data stream. In Greenberg, hidden digital signals in radio broadcasts are used to monitor the time and duration of advertisements. In response to these rejections, the applicant has cancelled claim 1, which related generally to subsidizing the cost of a wireless LAN using revenue from a hidden commercial message.

Claim 2 has a different scope than claim 1, and remains in its original form. Claim 2 relates to a system of controlling access to a hidden data stream that is transmitted over a wireless local area network. This access control is created using a receiving apparatus that both decodes the combined data stream into the main and hidden data stream, and also contains a status component that determines whether the decoder operates to decode the hidden data stream. Claim 2 also includes a gateway that both transmits the combined data stream and transmits "instructions to the receiving apparatus that changes the status component, thereby controlling whether the decoder operates to decode the hidden stream." The office action does not discuss these claim elements, and instead only repeats the language used to reject claim 1. These claim elements are not found in the cited prior art. Nothing in Owensby or Greenberg

teaches or suggest the presence of a gateway that both transmits the combined stream and also transmit instructions that control whether the receiving apparatus will decode the hidden data stream. In Owensby, the commercial message is always presented to the user once it is transmitted to the mobile unit. In Greenberg, the hidden signal is not a commercial message to be presented to a user at all, but rather is a way of communicating with a digital device that the advertisement was transmitted over the airways. There is no selective decoding in either reference under the control of instructions transmitted by a gateway. Since these claim elements are unique to claim 2, and are not found in the prior art, claim 2 should be considered patentable.

Claim 3 depends from claim 2, and adds a limitation that the gateway can receive directions from a network interface, with the directions instructing when the receiving apparatus should change status. In rejecting claim 3, the office action cites Owensby (bridging paragraph of cols. 20 and 21 and Fig.2), stating that Owensby “contemplates a degree of user response” which is the functional equivalent of claim 3. The cited paragraph in Owensby relates to the selection of advertisement for the advertisement pool to be used in connection with cellular phone calls. Figure 2 of Owensby shows the call management system that selects an advertisement for a particular user based on demographic and profile information stored on the user in a database. Neither citation to Owensby discusses the receiving of instructions at a gateway to instruct the gateway to selectively turn on and off the ability of a receiving apparatus to decode a hidden data stream. Thus, the limitation added in claim 3 forms a separate reason for patentability.

Claims 4 and 5 depend from claim 3, and are allowable for the same reasons.

Independent claim 6 describes a system involving a plurality of locations, each with a gateway for transmitting a wireless local area network signal and a control signal. Each location also includes an appliance that selectively decodes a combined data signal into a hidden data stream and a main data stream, and a status memory for determining whether the hidden data stream is decoded from the combined data stream. The status memory in claim 6 is controlled by the control signal sent by the gateway. Like the rejection of claim 2, the office action rejected claim 6 using the same language as used to reject claim 1. This rejection does not discuss this unique ability to control whether an appliance decodes the hidden data stream through a control signal

sent by the gateway. Thus, for the same reason discussed above in connection with claim 2, claim 6 should be allowed as patentable over the prior art.

Claim 7 depends from claim 6, and also contains the unique claim element where the control signal is found within the hidden data stream. In rejecting claim 7, the office action cites Fig. 4 and col. 2, lines 60-65 as showing a signal identifier for a mobile unit. The applicant respectfully disagrees with the assertion that this signal identifier is the functional equivalent of the claim element added by claim 7. The signal identifier in Owensby does not control whether the hidden data stream is decoded and presented. In Owensby, the commercial message is always presented to the user once received. The signal identifier is used only to identify the mobile unit or cell phone, not to transmit instructions relating to decoding a hidden signal. Furthermore, claim 7 requires that the control signal be found within the hidden data stream. Since Owensby has neither a control signal nor a hidden data stream, the applicant respectfully submits that this claim element independently supports a finding of patentability.

Claim 8 depends from claim 6, and is patentable for the reasons described above.

Claims 9-11 depend from claim 6, and also include a unique claim limitation where the main data stream is encrypted, and the decryption key is located within the hidden data stream. Claim 10 includes instructions in the hidden data stream on how the decryption key should be used. Claim 11 allows a user to pay for access to the encrypted main data stream. The office action cites Greenberg Fig. 1 and col. 4, lines 35-50 as showing a wireless message with key control. However, in Greenberg, the "code vector" is used to encode and decode the hidden digital data stream and not the main data stream. Greenberg, col. 4, lines 39-51. Furthermore, the code vector is never transmitted anywhere in the data stream. Rather, it is already known by the receiver and is then used to decode the hidden stream. Greenberg, col. 5, lines 47-55. Nothing in Greenberg suggest the encoding of the main data stream, the inclusion of instructions for decoding within the hidden data stream, or the inclusion of end user information relating to payment for access to the encoded main stream. Consequently, in addition to depending on claim 6, claims 9-11 should be considered patentable for these further claim elements.

Claim 12 depends on claim 6, and is patentable for the reasons described above.

Claims 13 and 14 describe the use of the hidden data stream to "control content found on the main data stream" or to control "access to a feature of the appliance." The

office action cites Owensby as teaching a variety of content (e.g., audio, visual, text) in their commercial messages. However, neither Owensby nor Greenberg use their commercial messages or their hidden signals to allow control over the content of the main data stream. In each case, the main data stream (the cell phone conversation or the main radio broadcast) is independent of and uncontrolled by the hidden/commercial data stream. Furthermore, neither reference cites the ability to use the hidden/commercial data stream to control access to a feature of the appliance.

Claims 15 through 18 define a central authority that communicates to the gateways a request that the gateways send signals to adapters to change their status memory and therefore decode the hidden data stream. Owensby shows only a call management system that subsidizes cell phone conversations through advertisements. Nothing in the prior art suggest the change in status memory at the appliance and the resulting access to the hidden data stream being under the control of a central authority.

Claim 19 is a method claim relating to the subsidizing of the cost of a wireless local area network by selectively decoding and accessing the hidden data stream found within a combined data stream. In claim 19, revenue is received for allowing access to the hidden data stream at the appliance. As explained above, none of the cited prior art contains these elements. In Owensby, the commercial message is always presented to the user once it is transmitted to the mobile unit. In Greenberg, the hidden signal is not a commercial message to be presented to a user at all, but rather is a way of communicating with a digital device that the advertisement was transmitted over the airways. There is no selective decoding and access to the hidden data stream, nor is there revenue for allowing access to the hidden data stream at the appliance. Claim 19 should be considered allowable over the prior art.

New Claims:

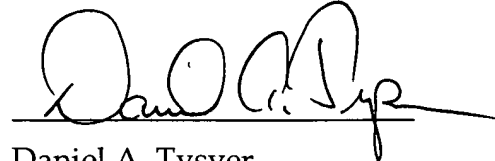
Claim 20 is a new claim similar to claim 2, with the phrase "wireless local area network" being replaced by the word "network." This claim is supported by the Specification as originally filed, and is patentable over the prior art for the same reasons described above in connection with claim 2.

CONCLUSION

All of the claims remaining in this application should now be seen to be in condition for allowance. The prompt issuance of a notice to that effect is solicited.

Respectfully submitted,
BEST BUY COMPANY, INC.
By its attorneys:

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A handwritten signature in black ink, appearing to read "Daniel A. Tysver", written over a horizontal line.

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